

United States Bankruptcy Court  
Eastern District of North Carolina

In re:  
CAH Acquisition Company 1, LLC d/b/a Was  
Debtor

Case No. 19-00730-JNC  
Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0417-5  
Date Rcvd: Jun 22, 2023

User: admin  
Form ID: pdf014

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Total Noticed: 0

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
##	Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 24, 2023:

NONE

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
tr	##+	Thomas W. Waldrep, Jr., Waldrep Wall Babcock & Bailey PLLC, 1076 West Fourth Street, Winston-Salem, NC 27101-2440

TOTAL: 0 Undeliverable, 0 Duplicate, 1 Out of date forwarding address

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 24, 2023

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 22, 2023 at the address(es) listed below:

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Anthony F. Giuliano	on behalf of Defendant App Group International LLC afg@glpcny.com
Benjamin E.F.B. Waller	on behalf of Plaintiff Thomas W. Waldrep Jr. bwaller@hendrenmalone.com, jgorman@hendrenmalone.com;ygadalla@hendrenmalone.com
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laura@janvierlaw.com;june@janvierlaw.com;kelly@janvierlaw.com;kelly@janvierlaw.com;R55537@notify.bestcase.com;darlene@janvierlaw.com;lpetruska@smvt.com

William P Janvier

on behalf of Interested Party Boa Vida Foundation Inc. wjanvier@smvt.com,  
laura@janvierlaw.com;june@janvierlaw.com;kelly@janvierlaw.com;kelly@janvierlaw.com;R55537@notify.bestcase.com;darlene@janvierlaw.com;lpetruska@smvt.com

William Walt Pettit

on behalf of Creditor Ryan Stumphauzer as Receiver for Complete Business Solutions Group Inc.  
walt.pettit@hutchenslawfirm.com, renee.copley@hutchenslawfirm.com

William Walt Pettit

on behalf of Creditor Complete Business Solutions Group Inc. walt.pettit@hutchenslawfirm.com,  
renee.copley@hutchenslawfirm.com

TOTAL: 170





SO ORDERED.

SIGNED this 22 day of June, 2023.

  
Joseph N. Callaway  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
GREENVILLE DIVISION

In re:	)	
	)	
CAH ACQUISITION COMPANY #1, LLC,	)	Case No. 19-00730-5-JNC
d/b/a WASHINGTON COUNTY HOSPITAL,	)	Chapter 11
	)	
Debtor.	)	
	)	
In re:	)	
	)	
CAH ACQUISITION COMPANY #2, LLC,	)	Case No. 19-01230-5-JNC
d/b/a OSWEGO COMMUNITY HOSPITAL,	)	Chapter 11
	)	
Debtor.	)	
	)	
In re:	)	
	)	
CAH ACQUISITION COMPANY #3, LLC,	)	Case No. 19-01180-5-JNC
d/b/a HORTON COMMUNITY HOSPITAL,	)	Chapter 11
	)	
Debtor.	)	
	)	
In re:	)	
	)	
CAH ACQUISITION COMPANY 6, LLC,	)	Case No. 19-01300-5-JNC
d/b/a I-70 COMMUNITY HOSPITAL,	)	Chapter 7
	)	
Debtor.	)	

In re:	)	
	)	
CAH ACQUISITION COMPANY 7, LLC,	)	Case No. 19-01298-5-JNC
d/b/a PRAGUE COMMUNITY HOSPITAL,	)	Chapter 11
	)	
Debtor.	)	
In re:	)	
	)	
CAH ACQUISITION COMPANY 12, LLC,	)	Case No. 19-01697-5-JNC
d/b/a FAIRFAX COMMUNITY HOSPITAL,	)	Chapter 11
	)	
Debtor.	)	
In re:	)	
	)	
CAH ACQUISITION COMPANY 16, LLC,	)	Case No. 19-01227-5-JNC
d/b/a HASKELL COUNTY COMMUNITY	)	Chapter 11
HOSPITAL,	)	
	)	
Debtor.	)	

**ORDER GRANTING, IN PART, MOTION FOR ORDER AUTHORIZING AND  
APPROVING (I) LITIGATION FUNDING AGREEMENT WITH OMNI BRIDGEWAY  
(FUND 4) INVT. 3 L.P.; (II) ENGAGEMENT AGREEMENT WITH MCDONALD  
HOPKINS LLP RELATED TO LITIGATION FUNDING; AND (III) ENGAGEMENT  
AGREEMENTS WITH WALDREP WALL BABCOCK & BAILEY PLLC AND  
MCDONALD HOPKINS LLP RELATED TO LITIGATION EFFECTIVE FROM AND  
AFTER APRIL 15, 2023**

THIS MATTER coming before the Court on the Motion for Order Authorizing and Approving (I) Litigation Funding Agreement with Omni Bridgeway (Fund 4) Invt. 3 L.P.; (II) Engagement Agreement with McDonald Hopkins LLP Related to Litigation Funding; and (III) Engagement Agreements with Waldrep Wall Babcock & Bailey PLLC and McDonald Hopkins LLP Related to Litigation Effective from and after April 15, 2023 (the “Motion”)<sup>1</sup> filed by Thomas W. Waldrep, Jr. (the “Trustee” or “Litigation Trustee”) on May 23, 2023 seeking the entry of an order (“Order”), pursuant to 11 U.S.C. §§ 105, 364, and 1142, and Rule 3020(d) of the Federal Rules of Bankruptcy Procedure, for entry of an Order (i) approving the Litigation Funding

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<sup>1</sup> Capitalized terms not otherwise defined herein shall have the same definition as set forth in the Motion.

Agreement attached to the Motion as Exhibit A (the “Funding Agreement”); (ii) authorizing the Litigation Trusts,<sup>2</sup> the Chapter 7 bankruptcy estate of CAH Acquisition Company #6, LLC, and the Trustee to take all actions necessary or appropriate to effectuate the Funding Agreement; (iii) approving the engagement agreement (the “Litigation Funding Engagement Agreement”) for fees and expenses incurred by McDonald Hopkins LLP (“McDonald Hopkins”) related to the marketing, documentation, negotiation, and approval of one or more litigation finance arrangements (the “Litigation Funding Matter”); (iv) approving the engagement agreements for fees and expenses incurred by Waldrep Wall Babcock & Bailey PLLC (“WWBB”) and McDonald Hopkins in the Litigation, effective as of April 15, 2023 (the “April 15, 2023 Litigation Engagement Agreements”). On June 13, 2023, the Bankruptcy Administrator filed a Response to the Funding Motion (“BA Response”). Following proper notice to all affected parties, this Court conducted a hearing on June 20, 2023 (“Hearing”). Based on the pleadings and record in this case, the arguments, evidence and proffers presented at the Hearing, and good cause having been shown,

IT IS HEREBY ORDERED THAT:

1. The Motion should be, and hereby is, GRANTED IN PART.
2. The Funding Agreement and the transactions contemplated thereby are hereby approved.
3. The Litigation Trusts, the Chapter 7 bankruptcy estate of CAH Acquisition Company 6, LLC, and the Trustee are hereby authorized to take all actions necessary or appropriate to effectuate the Funding Agreement and the transactions contemplated thereby.

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<sup>2</sup> Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Motion.

3. This Court will enter a separate order regarding the Litigation Funding Engagement Agreement and the fees and expenses incurred by McDonald Hopkins related to the Litigation Funding Matter.

4. The April 15, 2023 Litigation Engagement Agreements are hereby approved; provided, however, that any compensation sought by WWBB or McDonald Hopkins relating to the Deferred Fees (as defined in the April 15, 2023 Litigation Engagement Agreements), or otherwise, which is in excess of normal and customary hourly rates are subject to the subsequent express approval of this Court. Subject to the provisions of this paragraph, the Trustee is hereby authorized to compensate WWBB and McDonald Hopkins pursuant to the terms of the April 15, 2023 Litigation Engagement Agreements.

5. Payment of the fees and expenses approved by this Order shall be made by the Trustee from the proceeds of the Litigation or funds provided under the Funding Agreement pursuant to its terms. No payment of such fees or expenses shall be made from any other assets of the Debtor's bankruptcy estates, including specifically from any cost report money, without the consent of Cohesive Healthcare Management & Consulting LLC ("Cohesive") or further order of this Court.

6. The Trustee shall continue to provide regular updates and information regarding the Litigation to Cohesive and the Bankruptcy Administrator.

7. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

**END OF DOCUMENT**